



Public Notice

Applicant:

Wayne County East Bay
Improvement Association

Date:

Published: March 8, 2004

Expires: April 6, 2004

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District **CELRB-TD-R RE:** 93-995-20(4) **Section:** NY 10 and 404

**Application for Permit under Authority of
Section 10 of the Rivers and Harbors Act of 1899 and
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

The Wayne County East Bay Improvement Association, 1028 Bay Road, Webster, New York 14580, has applied for a Department of the Army permit to dredge and place fill in Lake Ontario and East Bay, on a yearly basis, in connection with channel maintenance between these two bodies of water, in the Town of Huron, Wayne County, New York.

The project consists of the following:

- a. The applicant is initially proposing to dredge, after May 15, approximately 1000 cubic yards of coarse sand, gravel, and cobble from an area 100 feet long by 50 feet wide between Lake Ontario and East Bay, in order to enlarge a navigation channel between these water bodies. A backhoe and bulldozer shall be used for this dredging. The dredged material shall be placed on the upland barrier bar between the lake and the bay. The applicant is also proposing to annually close this channel not later than September 15, using the material dredged from the channel to fill in this area.

The applicant is proposing to perform this work on an annual basis. In future years, the applicant proposes to remove 400 to 500 cubic yards of material to form the channel. All of this material shall be used to fill in the channel at the end of the boating season.

The purpose of the proposed work is to maintain a channel between Lake Ontario and East Bay, for boats to travel between the waterways. The use by larger boats has necessitated a wider and deeper navigation channel. Additionally, the channel would be filled at the end of the boating season to protect wetlands in the bay during the winter months.

A Department of the Army permit was previously issued for similar work beginning in the early 1980s and most recently in 1994, and the opening and closing of the channel have been annual occurrences. The applicant has indicated that the proposed activities are part of an ongoing effort, as the subject channel is the only access for boat traffic between Lake Ontario and East Bay.

The current proposal represents an expansion of the size and depth of the channel to accomodate larger vessels. The previously authorized channel dimensions were approximately 10-20 feet wide and 2-5 feet deep, with the currently proposed channel to be approximately 30-50 feet wide and 2-8 feet deep.

The applicant has requested that authorization for this work extend for at least five years.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Mel R. Schroeder, who can be contacted by calling (716) 879-4307, or by e-mail at: mel.r.schroeder@usace.army.mil

The applicant has certified that the proposed activity complies with New York's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program. Any comments on the consistency of the proposed activity with New York State's Coastal Zone Management Program should be forwarded to:

Ms. Laurissa Parent
New York Department of State
Division of Coastal Resources
Consistency Coordinator
Coastal Management Program
41 State Street
Albany, New York 12231-0001
Telephone (518) 486-3200

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Mel R. Schroeder, or by e-mail at: mel.r.schroeder@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he

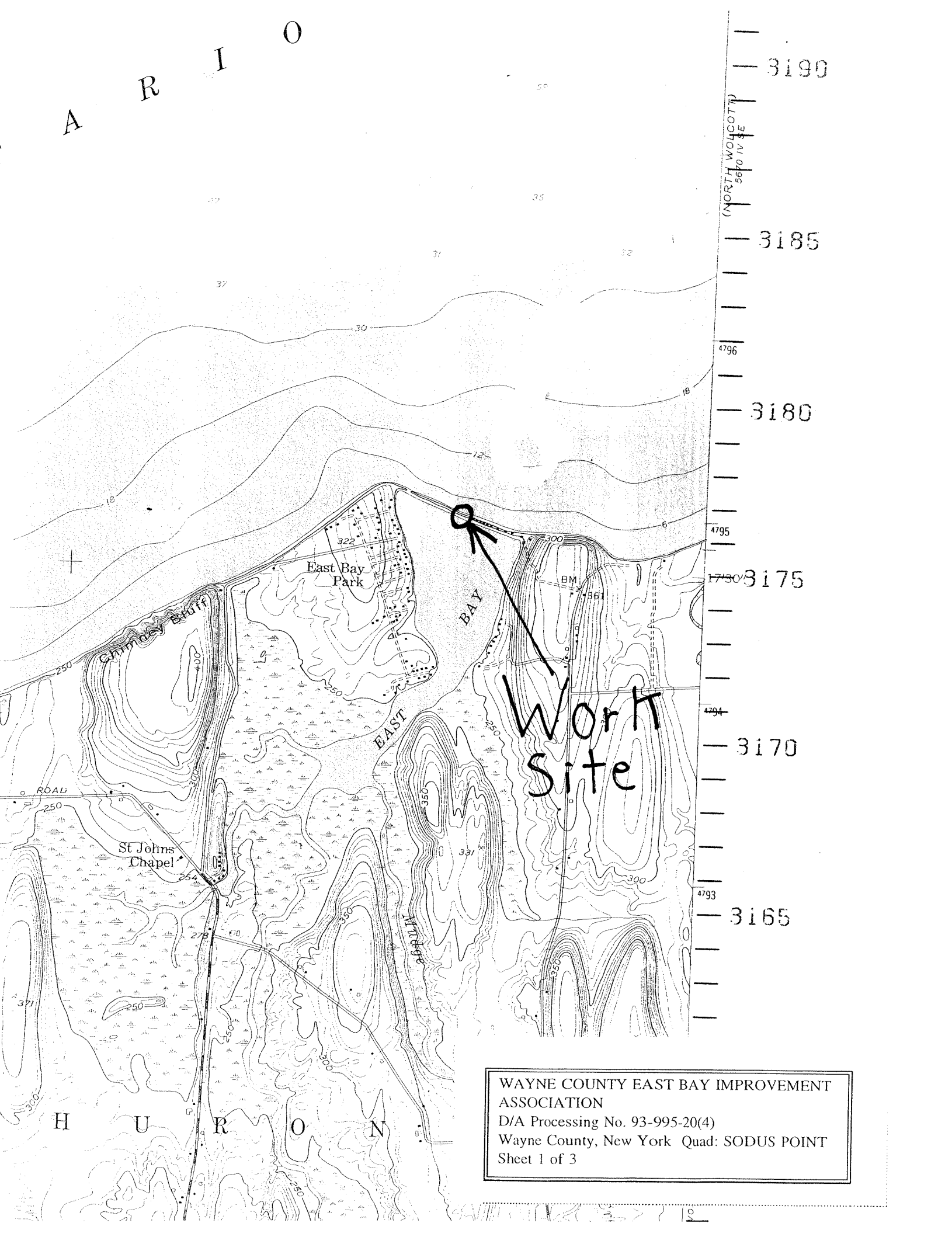
can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.


for Philip D. Frapwell
Acting Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



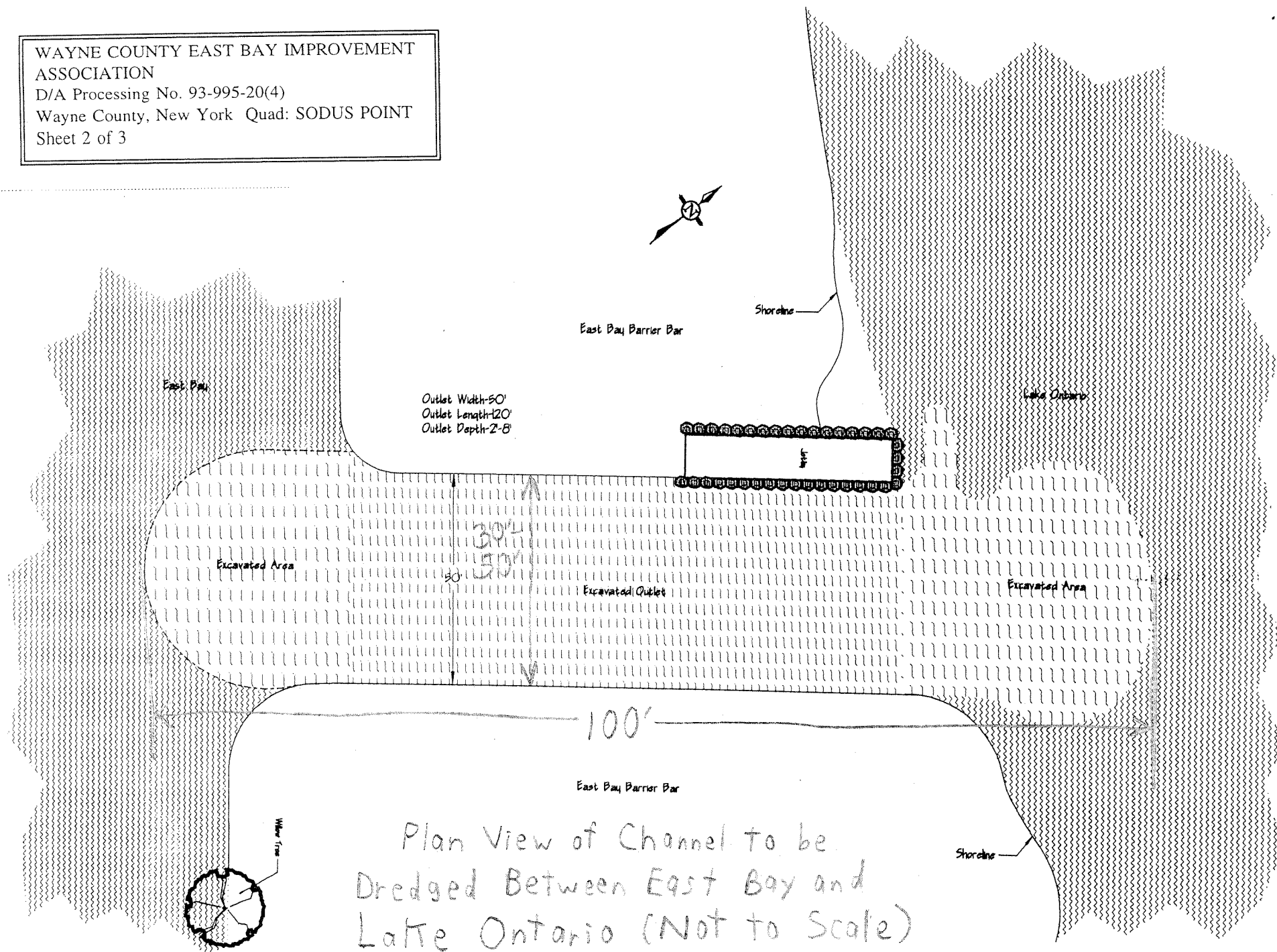
WAYNE COUNTY EAST BAY IMPROVEMENT
ASSOCIATION
D/A Processing No. 93-995-20(4)
Wayne County, New York Quad: SODUS POINT
Sheet 1 of 3

WAYNE COUNTY EAST BAY IMPROVEMENT
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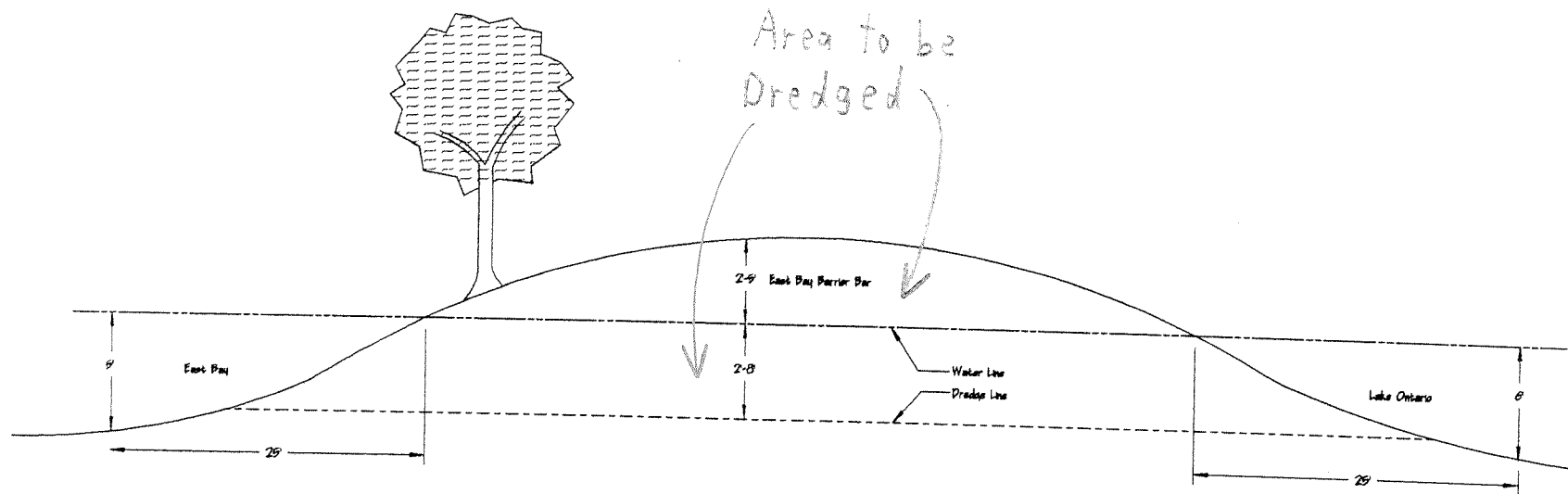


Cross-Section View of Channel To be Dredged Between East Bay and Lake Ontario (Not To Scale)

Water Depth

Bay-Shallow Grade to 9' @ 25' out from Beach
Lake-Shallow Grade to 6' @ 25' out from Beach

Barrier Bar Width 100-120'
Barrier Bar Height 2-4'



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